



THE COMMONWEALTH OF MASSACHUSETTS  
*Department of Agricultural Resources*

**State Reclamation and  
Mosquito Control Board**

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## STATE RECLAMATION AND MOSQUITO CONTROL BOARD MINUTES/SUMMARY

**WHO:** State Reclamation and Mosquito Control Board (SRMCB)  
**DATE:** November 1, 2006  
**WHERE:** 240 Beaver Street, Waltham, MA

### State Reclamation and Mosquito Control Board

Mark Buffone, SRMCB, Chairman  
Mike Gildesgame, SRMCB, Member  
Gary Gonyea, SRMCB, Member  
Donna Mitchell, SRMCB, Projects Administrator

### Mosquito Control Project Commissions None

### Mosquito Control Directors/Superintendents or Assistants

Wayne Andrews, Bristol County Mosquito Control Project  
Jack Card, Northeast Mass Mosquito Control and Wetlands District  
Tim Deschamps, Central Mass Mosquito Control Project  
John Doane, Cape Cod Mosquito Control Project  
Caroline Havilland, Norfolk County Mosquito Control Project  
David Henley, East Middlesex Mosquito Control Project  
Jake Jurgenson, Berkshire County Mosquito Control Project  
Bruce Landers, Suffolk County Mosquito Control Project  
Dave Lawson, Norfolk County Mosquito Control Project  
Tim McGlinchy, Central Mass Mosquito Control Project  
Walt Montgomery, Northeast Mass Mosquito Control and Wetlands District  
Emily Sullivan, Northeast Mass Mosquito Control and Wetlands District  
Gabrielle Sakolsky, Cape Cod Mosquito Control Project  
John Smith, Norfolk County Mosquito Control Project  
Robert "Bob" Thorndike, Plymouth County Mosquito Control Project

### Others None

## Calling the Meeting to order, Introductions, Introductory Remarks

Chairman Buffone officially called the meeting of the State Reclamation and Mosquito Control Board to order at 10:00 AM at the UMASS Eastern Extension Center, 240 Beaver Street in Waltham on Wednesday, November 1, 2006.

Chairman Buffone stated that there are three members that comprise the State Reclamation and Mosquito Control Board which include himself as Chairman and representing the Department of Agricultural Resources, Mike Gildesgame for the Massachusetts Department of Conservation and Recreation and Gary Gonyea for the Department of Environmental Protection. Also, Donna Mitchell, projects administrator was acknowledged as present. With the three members of the SRMCB present, he announced that there was a quorum for today's meeting.

Before continuing, he requested that those in attendance sign the attendance sheet and identify themselves and their affiliation.

In lieu of introductory remarks, the Chairman suggested that the Board take a moment to acknowledge and honor a colleague, Elaine Krueger, who recently passed away.

Chairman Buffone remarked that Elaine was the director of the Massachusetts Department of Public Health's environmental toxicology program for more than 20 years. She was also a designee for the Commissioner of Public Health to the State Pesticide Board and Pesticide Board Subcommittee.

He added that she was very devoted to public service, and for those who may not have known her, she worked with the SRMCB planning for the aerial spray that took place this past summer. She supported and worked with the SRMCB every inch of the way to make sure the aerial spray was successful in reducing the mosquito-borne disease risk to the public as well as minimizing environmental impacts of the operations.

Chairman Buffone requested that the group take a moment of silence in memory of Elaine Krueger. Thanking those present, the Chairman proceeded to item 2 on the agenda.

## Agenda Item #2: Old Business-Update

a. SRMCB Survey of municipalities that are not members of regional mosquito control projects

### Background:

The Chairman prefaced his remarks by thanking Nu Nguyen of the SRMCB staff for collating and compiling the information that was originally sent out to 161 non-member communities. He mentioned that letters were mailed to communities not affiliated with formal regional mosquito control districts to ascertain whether or not they have any formal mosquito control program at the local level. The first mailing included a 62- page publication titled **Public Health Confronts the Mosquito**, published by the Association of

State and Territorial Health Officials (ASTHO), which provided information on developing sustainable local mosquito control programs.

Subsequent to the initial mailing, two additional mailings went out to follow up on those communities who had not responded to the initial survey. Chairman Buffone summarized and reported the following:

- a. The majority of towns and cities surveyed do not have any formal programs at the local level, 117 out of 161 or 73%.
- b. A small number, 23 out of 161 cities and towns, or 14%, that are not a member of regional mosquito control districts, implement some kind of mosquito control at the local level.
- c. A small number of towns, 21 out of 161, or 13%, did not respond even after 3 letters were mailed out.

In conclusion, the Chairman distributed color-coded maps prepared by Dake Henderson of the Department of Agricultural Resources that visually illustrated the survey results. It was noted by John Smith that the map distributed reflected the town of Wrentham as not having a mosquito control program when in fact it is a member of the Norfolk County Mosquito Control Project. The Chairman addressed this by stating that other maps would be produced over time and corrections would be made.

#### *Questions and Discussion:*

The Chairman opened up the meeting at this point for comments and discussion regarding the survey. He also asked if those present had ideas on how to get the remaining towns to respond. He mentioned that the Board planned to follow up with the 14% of those communities, which do have local mosquito control programs before the spring and request that they send a detailed report of their program to the Board so that Board can review and approve their programs for 2007. Finally, he stated that the map could be used by the SRMCB to identify which cities and towns might be interested in receiving information on mosquito control services, or at a minimum help understand the current demand or interest for mosquito control since some communities are contiguous to or within an existing regional districts or clustered with other communities in a certain area where communities all are implementing local programs.

It was noted by Jake Jurgenson that the small percentage of towns that did not respond represented very small municipalities in the Western part of the state and had little staff or resources to respond to the survey. Also, it was noted that it was unlikely that these towns had a mosquito program.

**Action Taken:** Gary Gonyea suggested that the SRMCB send one final letter to the 21 communities that did not respond to the SRMCB survey stating that the SRMCB tried several times to reach them to confirm their mosquito control activities and to be aware that if they plan to do any kind of mosquito control in the future to contact the Board since we need to review and approve your program. The other members agreed.

**Agenda Item #3: Vote to approve May 24, 2006 Minutes**

**Background:** Chairman Buffone mentioned that it has been awhile since the last SRMCB meeting and regretted that the SRMCB meeting scheduled for July was postpone until now due to a variety of reasons. After distributed copies of the May 24<sup>th</sup>, 2006 minutes, he entertained a motion to approve them as written.

**Questions and Discussion:** Discussion ensued about the particular edits but it was agreed that Gary Gonyea would make edits and send them to the Chairman.

**Action Taken:** Gary Gonyea made a motion to approve the minutes with minor edits that he will send to the Chairman. The motion was seconded by Mike Gildesgame and voted unanimously.

**Agenda Item #4: Commissioner Appointments/Re-appointment Status Report (Policy 2005-2 Revision?) Terms Expiring November 30, 2006****Background:**

Chairman Buffone informed the Board for the record that a number of Mosquito Control District/Project Commissioners current terms will expire on November 30, 2006. These individuals have received formal mailings indicating that their terms are expiring as well as an application package.

Chairman Buffone proceeded to read into the record those individuals whose terms expire on November 30, 2006. Note (Year Date in parenthesis below indicate next expiration date if re-appointed or appointed)

They are:

<u>Name</u>	<u>Mosquito Control District</u>	<u>Expiration Date</u>
Richard J. Kirchner	Berkshire	11/30/2006 (11/30/2009)
Arthur F. Tobin	Bristol	11/30/2006 (11/30/2011)
Jere Downing	Cape Cod	11/30/2006 (11/30/2009)
Richard Day	Central	11/30/2006 (11/30/2011)
Maureen P. MacEachern	Norfolk	11/30/2006 (11/30/2011)
Leighton F. Peck Jr	Plymouth	11/30/2006 (11/30/2011)
Anna Todesca	Suffolk	11/30/2006 (11/30/2011)

On a related topic, Chairman Buffone remarked that the SRMCB has a few Commissioner appointment status unresolved or still pending to either fill existing vacancies/or to conduct an interview. They are:

<u>Name</u>	<u>Mosquito Control District</u>	<u>Expiration Date</u>
Vacancy (John Kelly)	Suffolk	11/30/2005 (11/30/2010)
Vacancy (Michael Pieroni)	Plymouth	11/30/2005 (11/30/2010)
George Smith Jr.	Central	11/30/2005 (11/30/2010)

He further commented that we have received applications for the vacancies in Plymouth and Suffolk County.

Regarding this agenda item, the Chairman raised an issue that had been brought to his attention. The issue revolved around the fact that when the SRMCB developed and revised its Commissioner Appointment and Re-appointment policy, it overlooked a past policy dated December 29, 1993. The older policy was distributed and section #3 read by the Chairman:

*A notice shall be sent by the SRMCB to each member city and town in a mosquito control district, during the first week of October, of the year in which the appointment expires, informing the city or town that the term of a commissioner is expiring, naming the current commissioner who wished to be re-appointed.*

This particular section and other sections of the older policy create questions about the SRMCB current appointment /re-appointment policy. The Chairman explained that the Board already sends each member city and town in a mosquito control district a letter only when a vacancy exists, but not for those commissioners slated for re-appointment.

Chairman Buffone remarked that the SRMCB has two policies. He asked the other SRMCB members how they might want to resolve this issue in light of the fact that the SRMCB has several commissioner terms expiring at the end of the month. One question raised was whether the Board wants to revise the current policy. Also, he shared his feeling that the SRMCB should attempt to find old policies that would serve a useful purpose when the SRMCB approves future policies or approves new policies that would highlight the fact that the new or current policy supercedes any older policy with a clear effective date or date that the policy was voted by the Board.

Questions and Discussion: The Chairman conveyed his thoughts that the older policy is valuable in that it created competition for any individual seeking appointments and/or re-appointment.

Gary Gonyea stated that the current process calls for letters of support from the communities as part of the application process for appointment or re-appointment. Therefore, these letters of support indicate to the SRMCB that the communities are satisfied with the current Commissioner whose term is expiring. On the other hand, if the communities do not provide a letter of support then that can be construed that the community does not support re-appointment.

Gary Gonyea asked if SRMCB posts a notice of a vacancy in newspapers of general circulation. The response was No.

Mike Gildesgame commented that he felt the SRMCB could join the two policies. He further remarked that the question is whether we should have a competitive process. He thought this was a good idea.

Gary Gonyea posed a question about whether or not this would increase the workload of the SRMCB. Chairman Buffone answered that it would likely increase the workload.

Mike Gildesgame asked about which address the mailing of notices to cities and towns are sent.

John Doane remarked that he did not agree with the idea of sending letters to each member city or town for re-appointments stating that the SRMCB would have more latitude in how the SRMCB select Commissioners. He said that if you have competent individuals who have served on Commissions expressing interest in re-appointment and still expand the search for other individuals, it might defeat the SRMCB objective of insuring active and competent commissioners.

Mike Gildesgame made a suggestion that the SRMCB could use wording that leaves discretion in the hands of the SRMCB by drafting a policy where the SRMCB 'may' send out notices to cities and towns of those being re-appointed.

Chairman Buffone disagreed that sending out notices would defeat the SRMCB objective in insuring competent and active commissioners. He felt strongly that it actually strengthens the process, and those Commissioners who are competent would in fact embrace an open competitive process as well as seek more letters of support. He also said that he did not agree that sending notices to cities and towns would encourage current Commissioners to walk away from re-appointment.

**Action Taken:** Mike Gildesgame made a motion that the SRMCB take under advisement the two policies (old and new version) dealing with appointment and re-appointment and develop a clearer policy that balances both the old and new policies as well as incorporate any new items that should be included to accomplish the SRMCB objectives regarding Commissioner appointment and re-appointment. Until the policy is refined as stated above, the current Commissioner re-appointment processes for those Commissioner terms expiring November 30, 2006 will be the same as outlined in the most recent policy dated June 2005. The motion was seconded by Gary Gonyea and approved unanimously by the Board.

**The SRMCB agreed that the priority at this time is to insure that each district has a full compliment of Commissioners.**

Gary Gonyea will check with former SRMCB member George Zoto and Former Chairman John Kenney who may have access to any archive of older policies. Chairman Buffone stated that the SRMCB will enhance its current structure to maintain approved policies and post them on the SRMCB website, too.

## **Agenda Item #5: Vote to approve/accept new city and towns to join mosquito control districts**

*Background:* Over the past couple of years, mosquito-borne diseases have been in the public eye and have generated more interest for mosquito control services.

As a result, for FY 07 budgets, a number of new towns and cities have approached district Commissions and/or have voted at their town meetings to join a particular regional program.

In particular, 6 new towns including Boxford, Hamilton, Haverhill, Merrimack, North Andover, and West Newbury joined the Northeast Mass Mosquito Control and Wetlands District. The most recent was a request from the Boylston to join the Central Massachusetts Mosquito Control Project

In this most recent situation, the Chairman noted that he requested that, at a minimum, the Town Clerk submit to the SRMCB a notarized certificate of the town vote. Chairman Buffone read into the record the Certificate of Vote signed by the Town Clerk of the Town of Boylston.

He informed the SRMCB of the importance of reminding any community wanting to join a regional mosquito control district that they must formally request and submit the necessary paperwork to enable the SRMCB to vote and officially accept these municipalities as member communities of a particular regional mosquito control district.

Chairman Buffone entertained a motion that cities and towns that have recently voted to join a regional mosquito control district send formal attestation and verification of a municipal vote such as a notarized document in order to satisfy the SRMCB process.

*Questions and Discussion:* Tim Deschamps noted one clarification that the Town of Boylston's joining the district would not be effective until FY 08 and not during the current fiscal year 07.

John Doane raised a question of who decides which district a municipality could join?

Tim Deschamps stated that traditionally the town would likely join the contiguous area within a particular county or it could by default go to a district where the town was an original member.

The ensuing discussion brought to bear another issue related to this topic. Chairman Buffone called to the attention to the SRMCB, a document posted on its website titled Process for Towns to Join or Leave Mosquito Control Projects, which states that all of the districts have legislation requiring that a town must join for a period of no less than 3 to 5 years. He remarked that he recognized the value of this condition since it made sense in terms of sustaining an organized or regional mosquito control budget. He felt that this would be important to remind the municipalities of this condition when we accept the town's or city's request for membership.

Tim Deschamps commented that as a policy, it may make sense but he did not discuss this with any of communities since his legislation does not contain this language. He also felt that if the SRMCB established this condition with the Town of Boylston that this would be a shift in what their expectations might be of joining the Central Massachusetts Mosquito Control District.

Mike Gildesgame commented that the document is titled as "process" not law or policy. Chairman Buffone noted that the document mentioned legislation and we need to further review and ask other districts if they had legislation. Many did have legislation stipulating membership terms.

Walter Montgomery suggested that the document could be more accurate and clearer by the insertion of a qualifying statement such as "each program has its own enabling act of legislation and you need to refer to it". Gary Gonyea stated that we could insert " Must join for a period as specified in the mosquito control district enabling act of legislation", and

Mike Gildesgame noted that if the legislation does not specify a term than it is open.

Tim Deschamps stated that if the SRMCB did develop a policy of its own he would incorporate into his discussions with other towns in the near future.

Chairman Buffone did note that the value of requiring a term for membership in that the complexity of mosquito control requires time to meet core mosquito control objectives for any town which would take more than one season. The SRMCB might consider developing a policy or legislation that better define terms whether for joining to insure mosquito control success and/or leaving to lessen burden or impact to remaining communities.

John Smith noted that towns that leave mosquito control projects have an impact on the rest of the member towns and affect other responsibilities such as retirement, particularly where the other towns have to pick up the portion of retirement unless some kind of condition exists to lessen the impact.

John Doane suggested that one of his Commissioners has a legal background and knowledge and could address some of the issue that John Smith brought up. He also remarked that his district participates in the National Flood Insurance Program through mosquito control where the towns and individuals get a discount on flood insurance through a federal program called the Community Rating System (CRS). This results in real savings to the town. This could be reviewed as a benefit for joining and staying in a mosquito control project.

**Action Taken:** Mike Gildesgame made a motion that any town or city requesting membership or voting to join a regional mosquito control district shall submit notarized certificates of votes to the SRMCB to the attention of the Chairman. The motion was seconded by Gary Gonyea and approved unanimously by the Board.



Gary Gonyea made a specific motion that the SRMCB approve and accept the Town of Boylston joining the Central Massachusetts Mosquito Control Project effective July 1, 2007. The motion also states that the SRMCB accept the membership of the six municipalities (Boxford, Hamilton, Haverhill, Merrimack, North Andover, and West Newbury) which joined the Northeast Mass Mosquito Control and Wetlands District last year whereby funding was certified by the SRMCB at its May 24, 2006 meeting. The motion stipulated that formal letter(s) would be mailed by the SRMCB approving the membership of municipalities pending the receipt of notarized certificate of votes to the SRMCB. The motion was seconded by Mike Gildesgame and approved unanimously by the Board.

The SRMCB will revise the language on the document titled Process for Towns to Join or Leave Mosquito Control Projects on its website as well as address the entire topic of joining and leaving mosquito control districts in more depth at a later time.

#### **Agenda Item #6: FY 07 and FY 08 Budgets: Policy 2005-2**

**Background:** In keeping with SRMCB Policy 2005-2 voted by the SRMCB on May 5, 2005, the SRMCB needs to verify to the Department of Revenue, Division of Local Services, finalized FY 07 mosquito budget amounts. Chairman Buffone reminded the SRMCB that the estimated FY 07 amounts were certified and voted by the SRMCB at its May 24, 2006 meeting. The chairman asked Donna Mitchell, the projects administrator, to distribute the policy and final numbers for the SRMCB to review. The Chairman commented that he would like to see the SRMCB distribute copies of pertinent policy for discussion purposes and to help the SRMCB and others to remember the established process in its policies.

The Chairman noted that the only changes that have occurred take into account Central Mass Mosquito Control that shows a different total amount from that previously approved due to the addition of a new member town. He added that the funding for the 6 new towns that have joined the Northeast District was calculated into the budget that was certified on May 24<sup>th</sup>, 2006.

Also, he reminded mosquito control districts and their Commissions that the FY 08 preliminary budget figures need to be submitted on or before December 30, 2006 and requested that these figures should be sent to Donna Mitchell, the projects administrator, along with copies to each of the SRMCB members.

**Questions and Discussion:** After review, Tim Deschamps stated that the Town of Boylston assessment amount was for FY 08 budget and not the FY 07 budget.

**Action Taken:** After review of the final FY 07 budget amounts compiled by Donna Mitchell, the SRMCB, having already certified these estimated amounts on May 24<sup>th</sup> 2006 and noting no changes in the final figures, the SRMCB agreed to formally notify and submit these as the finalized mosquito control budget figures for FY 07 to Department of Revenue Division of Local Services by Friday, November 3, 2006.

## **Agenda Item #7: Overall Assessment and Statement of 2006 Aerial Application Event**

**Background:** Before discussion of agenda item # 7, Chairman Buffone asked if there would be any objections to taking a short 10-minute recess at this point. There was agreement to take a recess after agenda item # 7.

Following the recess, he proceeded by stating that the record should include a general statement that would reflect the Board's experiences and assessment of this summer's aerial application to reduce the risk of mosquito-borne disease specifically Eastern Equine Encephalitis virus (EEEV). He mentioned that this was a significant event that has not happened in 16 years and one that many of us, including himself, were intimately involved in to insure its success.

He proceeded to distribute a one-page statement which summarizes that despite the high mosquito abundance and high virus infection rates and the resulting few human cases, the aerial application was successful and did help prevent additional cases of EEEV.

Chairman Buffone remarked that at a recent Massachusetts Department of Public Health (MDPH) meeting that took place on October 20, 2006 in Canton, MA it was stated that one could observe a direct correlation with the number of human cases and the number positive pools of mosquitoes. The Chairman asserted that MDPH has specific data that is for the most part non-disputable since it is derived from information historically collected over time during these risk events. During 2006, an unprecedented and large number of mosquito pools (157) were positive for EEEV. According to MDPH, the data indicated that, at a minimum, one would have expected 13 human cases. To date, only 5 human cases occurred, with 2 fatalities. Overall, it can be concluded that the aerial spray did dramatically and substantially reduce mosquito populations, which included the mosquitoes infected with virus. Chairman Buffone expressed confidence that the aerial applications resulted in a positive public health impact. Also, the environmental monitoring that was done indicated that there were no adverse effects to the environment.

Chairman asked if those present agreed?

**Questions and Discussion:** John Doane agreed that the aerial operation went well and felt that the statement was accurate and positive. However, he asserted that there should be some reference to challenges and impediments that took place, specifically where certain state agencies forced the exclusion of prime mosquito breeding and inhabiting areas from aerial treatment.

SRMCB members expressed concern over the exclusion of these areas since testing did confirm that mosquito infection rates and abundance continued in certain areas treated closed to several areas excluded from the aerial operation permitting arbovirus risk to remain critical in these areas.

**Action Taken:** The SRMCB agreed to make some modifications to its General Statement And Overall Assessment of 2006 Aerial Spraying in Southeastern Massachusetts and finalized the following.

**General Statement of the State Reclamation and Mosquito Control Board (SRMCB) and Overall Assessment of 2006 Aerial Spraying in Southeastern Massachusetts:**

On the evenings of August 8, 2006 and August 22 to 24, 2006, approximately 141,000 acres and 410,000 acres respectively, were aerially sprayed in Southeastern Massachusetts with Anvil 10+10 ULV to reduce the populations of mosquitoes infected with Equine Encephalitis virus (EEEv). These aerial applications were made in response to a declaration of a Public Health Emergency by the Governor concerning the high abundance of mosquitoes and increasing levels of EEEv in this part of the state.

Weather conditions during both spray events ranged from optimal to acceptable with temperatures above 58 degrees. Mosquito abundances in the treated areas were dramatically reduced on both occasions. Percent reduction for all mosquito species combined ranged from 59.8% to 85.5% in trap collections after the first spray and from 57% to 97% in trap collections after the second spray.

Mosquito abundances from Massachusetts Department of Public Health (MDPH) long-term trap sites also point to the success of the aerial applications. Abundance of *Cs. melanura* declined in the week after the first application. Mosquito abundances and Mean Infection Rates, especially in untreated areas, continued to increase however, and a second spray was initiated. While the abundance of *Cs. melanura* in MDPH long-term traps continued to increase after this second spraying, the Minimum Infection Rates (MIR's) in the treated areas declined substantially with a much lower risk of human infection achieved.

Environmental monitoring conducted by State Agencies did not detect any adverse effects to water supply reservoirs or benthic invertebrates in the treatment zones. The active ingredient in Anvil 10+10 ULV, Sumithrin, was not detected in any of the water quality samples collected. Piperonyl butoxide (PBO) was detected in a few samples at very low concentrations after both spray events, but at levels that were several orders of magnitude below health-based drinking water concentrations.

Five (5) human cases of EEEv, with two fatalities, were reported in 2006. According to the MDPH, historically, there is a direct correlation with the number of cases and the number of positive pools of mosquitoes. The data cannot be disputed that at the number of positive pools per one thousand pools of mosquitoes in 2006, MDPH reported that it would expect at a minimum, 13 human cases with potentially several more fatalities without the two aerial sprays. The other unprecedented piece of information was the fact that out of 157 pools positive for EEEV, 18 were mammal-biting species. Given the high mosquito abundance and infection rates, and the resulting few human cases after our interventions, the aerial spray operations in Southeastern Massachusetts were successful in preventing additional human cases of EEEv.

This conclusion is reached even without spraying key mosquito inhabiting areas, an action not recommended by the SRMCB independent expert Mosquito Advisory Group (MAG). Despite the success of the effort, the Chairman of the SRMCB will co-chair a workgroup over the winter to examine the aerial spray in more detail to see how it can be further improved.

## Agenda Item #8: New Business-SRMCB Current Projects Discussion and Status

The meeting was called back to order at 11:35 AM after a ten-minute recess.

Background: Chairman Buffone remarked that the Board did not have time to review each of these sub-items in agenda item #8 in detail. However, he felt it important to briefly comment on these items to reflect for the record what issues the Board is dealing with. Many of these issues have surfaced since the aerial spray this summer.

### A. OMWM (Open Marsh Water Management)

The OMWM protocol as originally drafted by the Northeast Mosquito Control District and cited in the Generic Environmental Impact Report will be amended, refined, and brought up to date. Chairman Buffone mentioned that Board members attended a meeting at the Northeast District headquarters in Newburyport on OMWM in September. Also, the Chairman made noted that Mike Gildesgame has been acting as the Board liaison/contact at these OMWM meetings including the annual meeting of the OMWM advisory committee. Additionally, he commented that Mike Gildesgame would also attend an upcoming restoration habitat meeting.

Emily Sullivan of the Northeast Mosquito and Wetlands Management District summarized the events leading up to the Northeast District current efforts to revise the OMWM standards developed circa 1982 as a feasible alternative to grid ditching which had been something planned by the district. However, she commented that concerns had been expressed recently regarding the OMWM work of the district. As a result, on behalf of the Northeast District, she coordinated meetings with the OMWM advisory committee and other people in June with Mike Gildesgame of the Board who acted as moderator. The impetus of the meeting was to understand what the concerns were pertaining to OMWM work projects. Comments were requested but none were received.

As a next step, the Northeast district recommended a primer (OMWM 101) for those who had concerns to be held in September. Essentially this meeting covered the Army Corps of Engineers individual permit process and the current OMWM standard. Although the meeting covered much of the permit, there was time only to cover part of the OMWM standard. Emily asked those present to read the remainder of the document and submit comments on any of the issues. Only two sets of comments were submitted and these were received too late to adequately be covered at the annual meeting of the OMWM advisory committee.

An additional meeting is planned for November 17<sup>th</sup>. Even with the upcoming meeting, the district will move forward to rewrite and modernize the standards for the purpose of meeting the requirements of the Army Corps of Engineers permit before it expires in 2008.

Mike Gildesgame who has attended the various meetings pertaining to OMWM remarked that some individuals were dissatisfied about the process but stated that there comes a point when the process needs to move forward and that sufficient time has been given to those who expressed a desire to provide input. Emily Sullivan added that comments were essentially requested in June and that those comments finally received have come

only after several requests. Walter Montgomery mentioned that the main agency that has expressed concerns and objections to their OMWM efforts is Costal Zone Management (CZM), which has had a seat on the advisory committee for twenty-two (22) years.

The Chairman stated that the Board does not want to reinvent the OMWM process since it has been a long-standing and successful process. If those agencies or individuals who have concerns fail to attend meetings or submit specific comments, the OMWM work, which is and has been approved by the Army Corps of Engineers, needs to move forward. Also, he mentioned that it is in the Board's interest to have the OMWM standards revised as soon as possible to meet outstanding issues in the GEIR pertaining to OMWM. Finally, he commented that we will continue to accept all input, seek common ground, but we need move forward in a balanced manner to all projects directly related to mosquito control such as OMWM.

Mike Gildesgame finished the discussion stating that the main effort should be to rewrite the OMWM standards, bring them into current practice, and make sure they reflect the best technical information we have as it relates to mosquito control.

Finally, Walter Montgomery indicated that the district is currently working on a report that will bring all the data over the past 20 years together in one place and provide summary reports to those who are involved in OMWM process. Both Mike Gildesgame and Gary Gonyea indicated their support of this data summarizing and reporting process.

#### **B. 401 Water Quality Certificate (WQC)-Freshwater Inland Best Management Practices (BMP's)**

Chairman Buffone commented that the Board has been frustrated since it has not been able to finalize the Freshwater Inland BMP document that was reviewed over three years ago. After 3 years, the document has finally materialized and was sent back to the Board. Gary Gonyea has been taking the lead on this issue and the Chairman asked him to report on the status of this document. Gary mentioned he sent around a hard copy. He mentioned that he would send an electronic copy too. He offered to work with the wetland folks to finalize the document. Gary mentioned that this document is key because Board members met with MEPA recently on individual mosquito control projects' 401 WQC requests. MEPA mentioned that this document was a key part of the WQC approvals and also satisfies the updating of the Secretary Certificate of the GEIR. Ultimately, the Board needs to vote on it and submit it to MEPA. Additionally, the SRMCB will outline some of the things that have been done since the Certificate was issued such as the state methoprene review, the fact that there is a process of issuing permits to those individuals who treat catch basins for West Nile Virus Control, and the work done on the annual refining the current MDPH State Surveillance and Response Plan.

Regarding the BMP document, Emily Sullivan stated that this is a document that many of those present at this Board meeting have not had an opportunity to review. She mentioned that the last time this document was on the table, that mosquito control districts only had two months for review. She is uncomfortable with the time frame. She mentioned that with the current OMWM standard revisions efforts and 401 WQC applications pending, the district would be unable at this time to give this full attention.

The Board asked those present what a reasonable time period would be to review this document? The Board received response that varied from 60 days to as much as a year. The district made comments over three years ago and they have not had an opportunity to look at the document. It is unclear whether or not the comments made after review by mosquito control districts have been incorporated into the document.

Mike Gildesgame asked for a clarification from Gary Gonyea if he could find out if the prior comments were incorporated into the current document. Emily Sullivan felt that the current document was completely rewritten and requested that Department of Agricultural Resources (DAR) General Counsel review the document before signing on to something on how mosquito control is practiced under Chapter 252 of the MGL.

Chairman Buffone stated emphatically he agreed with Emily and Mike. He further commented that he was happy the document has finally resurfaced for review but cautioned that the Board should not feel pressured to quickly sign off on this document without proper review especially legal counsel. The Chairman did express his desire to complete many of the outstanding issues but the Board had little resources to attend to these issues quickly.

John Doane asked if there was an analysis of the fiscal cost to the mosquito control districts to implement the BMP's. The Chairman noted this point as valid but had no answers.

Emily Sullivan quickly noticed that appendixes were absent from the document and has never seen these attachments. She stated that in order to fully review the document, the appendixes were needed.

Mike Gildesgame pointed out that there were no hard deadlines from MEPA but that the Board should get back to them and inform them that work is ongoing to review the BMP that has recently come to the Board in some reasonable time frame. The Chairman stated that the Board needed time to review the document and the first step was to get the complete document including the appendixes. The Chairman asked Gary Gonyea to pursue obtaining the entire document with appendices and sending them out to all concerned for review. There was no agreement to what would be a reasonable time period, but the Board would need to discuss this issue at a later time.

#### **C. GEIR and MEPA**

Discussion of this item was recorded as outlined in the above discussion in B.

#### **D. 2007 Administrative Policies**

The Chairman stated that the SRMCB would be planning to address a number of administrative issues that have been issues for a number of years. He explained that in general, the SRMCB will be developing an internal controls manual that will essentially standardize and codify the SRMCB oversight responsibilities and how we are going to enforce them, including but not limited to SRMCB staffing, signatory authority, project personnel issues, salaries, Commission guidance, benefits, etc.

Within that document there will be policies such as an employee rating system to bring everyone in line with state standards. He mentioned that he was not announcing details but was bringing the issues to the attention of those present. He said once we pull together a document that can address many of the issues, the Board would offer training as well as utilizing DAR fiscal and administrative experts. Mike Gildesgame remarked that the entire effort was to make it clear to who is responsible for what, what are the Board's responsibility is and what is the responsibility of the commissions.

The Chairman stated that this issue was also being brought up because there are legal opinions that the districts' employees are state employees and Commissioners are special state employees and that other agencies such as the Comptroller, Treasurer Office, and Executive Office are requesting standardization in order to approve the various fiscal and administrative activities of mosquito control that proceed through state channels.

John Doane asked if the Board would meet with individual Commissions about these changes. The Chairman stated that the training and likely some kind of meetings would be held to get input from others. He stated that the first step was to develop what the policy and procedure might be to have something to discuss.

The Chairman continued to comment about administrative issues specifically an issue about Commission meeting sites. Chairman Buffone noted that back on January 12, 2005 the SRMCB voted a policy on the mosquito control commissions meeting place and read the following:

*"All meetings of mosquito control commissions shall be formal and be opened to the general public. Each mosquito control project should make reasonable efforts to ensure that meetings are held in facilities that permit "barrier-free physical access" to physically handicapped persons. Finally, public meeting places such as municipal offices for meeting are the preferred locations. Luncheon meetings should be avoided for the purpose of conducting project business since it may be construed as a social event and/or alienate the general public from attendance because of feeling obligated to paying for beverages and food."*

The Chair stated that the policy was intended to insure Commissions meet in sites conducive to conducting official business. However, to the best of his knowledge, one Commission continued to meet in a restaurant and wanted to make the wording clearer in the policy. He asked the other members if they had any thoughts on this matter. Gary Gonyea mentioned that we had these discussions before and the Board felt it was inappropriate to meet in a restaurant.

The Board decided to send a letter to the entire Commission reminding them of the Board policies, the Board position, and recommend that they meet in another location. The Chairman stated that he would rework the policy making clearer the Board's position.

#### **E. Final Aerial Application Report**

The Board is working on this report.

## F. SRMCB Mosquito-Borne Disease Response Plan

The Board is working on finalizing this plan.

## G. Pesticide Board Regulations

For the record, the Chairman stated both he and Mike Gildesgame attended the Pesticide Board Meeting in October, and the Chairman testified before the Board regarding draft 333 CMR Chapter 13.00 pesticide regulations, which contains a provision, 13.04(6), that prohibits aerial pesticide applications of mosquito adulticides within 150 feet of person or vehicles transiting a public way. The Chairman testified that the Board was concerned that this prohibition would have significant detrimental impacts on the choices available for mosquito control operations statewide.

The Chairman submitted a letter to the Pesticide Board and offer solutions to address the issue by inserting additional language such as

333 CMR 13.04 (6) (b) These provisions shall not apply to mosquito adulticide applications approved by the State Reclamation and Mosquito Control Board.

The exemption would ensure that the aerial application of mosquito adulticides is approved by the State Reclamation and Mosquito Control Board and complies with the following conditions:

- Public notification in 333 CMR 13.04(4);
- Exclusions from Pesticides Applications in 333 CMR 13.03; and
- Professional licensure for application by aircraft in 333 CMR 13.04(1).

The Chairman reported that the State Pesticide Board was amenable to the Board's request but due to some conflicts with other language in the proposed regulation will need to work with Department of Agricultural lead staffer, Steven Antunes-Kenyon, to insure the standards once approved do not prohibit aerial application to control mosquitoes.

## H. Statement to address ineffective devices and methods to control mosquitoes

The Chairman stated we need to develop information that will clarify to the public that many products that claim to control mosquitoes are in fact "ineffective" such as bats, dragonflies, bug zappers, skin patches, ultra sonic devices.

## Agenda Item #9 Other News

### Background:

a. The Chairman and the other members thanked all of the districts for their hard work helping the Board to make the aerial spray operation successful. The Chairman commented that he appreciated the incredible and dedicated work of all those that "stepped up to the plate" to insure that the aerial spray operation was successful. There are a number of individuals who should be recognized from all of the various state



agencies but the Chairman thought for the Board's purposes, recognition should be given to those individuals who were affiliated with mosquito control specifically.

b. The Chairman announced that the 52<sup>nd</sup> Annual NMCA Meeting would be held at the Saratoga Hotel & Conference Center in Saratoga Springs, NY from November 26-29, 2006. He stated that the tentative program has been developed and for the record, the Board would be making a presentation titled **Aerial Intervention: State Reclamation and Mosquito Control Board's Perspective** by Mark S. Buffone: State Reclamation and Mosquito Control Board

c. Chairman Buffone commented that the Massachusetts Environmental Police provided a significant service during the aerial operations. Major Kathleen Dolan of the Massachusetts Environmental Police was very helpful in providing the necessary staff to secure the staging area during both spray operations. He asked the Board for a motion or agreement to send a letter to the current director thanking them for this service on behalf of the SRMCB. At a minimum the record should reflect the Board's gratitude. Gary Gonyea suggested that we send a thank you note to the Plymouth Municipal Airport and the individual who owned the hanger we used for the aircraft and pesticides.

#### **Agenda Item #10: Vote to approve 2007 Annual Meeting Schedule**

**Background:** Chairman Buffone stated that back in 2005 (November 7<sup>th</sup>) the SRMCB voted to establish a pre-set schedule at the beginning of the 2006 New Year for the months of January, March, June, and October on the second Wednesday of each month and as needed with the provision that the schedule could be modified as necessary. Although, the Board needed to make changes, he was still in favor of a pre-approved schedule.

He distributed 2007 calendars in order to discuss or entertain a motion to vote on a new schedule for 2007. However, the Chair proposed some changes to the currently approved schedule and pointed out that an important month is May versus June in that the Board certifies budgets at the end of May. He proposed changing the months to January, March, May and October on the 4<sup>th</sup> Wednesday of these months compared to the current 2<sup>nd</sup> Wednesday. Therefore, he proposed the following dates:

January 24, 2007, March 28, 2007, May 30, 2007, October 24, 2007 and as needed in Waltham, MA.

**Questions and Discussion:** None

**Action Taken:** The Board agreed to the Chairman's proposed schedule.

#### **Agenda Item #11: Vote to adjourn**

**Background:** Gary Gonyea made a motion to adjourn at 12:45 PM seconded by Mike Gildesgame. With no discussion, the vote to adjourn the meeting carried unanimously.

Respectfully submitted:

Mark Buffone, Chairman